

Notes to Accompany 1st October 2007 45th Update

Coming into force

All the amendments included in this update come into force on 01 October 2007 with the following exceptions:

1st July 2007

Part 6, Part 12 and Part 74 (where amended by the Civil Jurisdiction and Judgments Regulations 2007)

Introduction

The 45th Update to the Civil Procedure Rules introduces changes in a large number of areas: **Part 6, Part 12 and Part 74** are amended by the Civil Jurisdiction and Judgments Regulations 2007.

PD 7 and **PD 74** are amended to incorporate the changes into the practice directions.

PD 8, Part 52 and PD 52 are amended to include a number of claims, applications and appeals previously dealt with in scheduled rules. A number of scheduled rules have been revoked as a consequence.

Part 19 is amended and a new **PD 19C** is inserted to incorporate a new two-stage procedure for permission to proceed in derivative actions as a consequence of the Companies Act 2006.

Part 21 and **PD21** are amended to reflect new concepts created by the Mental Capacity Act 2005, in particular the new test for capacity (which is decision and time specific) is reflected in the procedures set out for civil courts.

Part 2, PD 4, Part 6, PD 7C, PD 7E, PD 8, PD 10, Part 12, PD 12, Part 14, PD 22, PD 23, PD 23B, PD 25B, PD26B, Part 30, Part 32, PD 37, Part 39, PD39, PD40B, PD41, PD41B, Part 45, Part 46, Part 47, Part 48, PD 43 to 48 and PD 52 are also amended to incorporate the changes made to Part 21.

PD 21 is also amended with to improve procedure relating to the investment of children's funds.

PD 37 is amended to simplify the procedure for notifying litigants that funds are available should an offeree wish to accept a Part 36 offer.

PD39 is amended to provide that an appeal hearing against the decision of a Registration Officer, who has refused an application for anonymous registration on the electoral register, should be heard in private.

Part 46 is amended to increase the amount of costs which the court may award as the costs of an advocate for preparing for and appearing at the trial of a claim in the fast track for trials commencing on, or after 1st October 2007.

Part 47 is amended to increase the time within which an appeal decision of an authorised court officer relating to detailed assessment of costs may be filed from 14 to 21 days.

Part 49, PD 49 and PD49B are amended to incorporate provisions in the Companies Act 2006 coming into force on 1st October 2007.

Part 52 is amended to introduce a standard procedure for third parties to apply to intervene in statutory appeals.

PD 54 is amended to include a centralised address for service of a claim form for judicial review where the defendant or interested party is the Asylum & Immigration Tribunal.

PD 55 and PD 55B are amended to allow claimants to input multiple accounts onto PCOL by entering a global total for arrears on all accounts; and to ensure that claimants are informed of where they should be including details of statutory grounds on possession claims. Please note the temporary nature of some of these amendments.

PD 57, PD 59, PD 60, PD63, PD 73, the Directors Disqualification Proceedings PD and the Insolvency Proceedings PD are amended to show the transfer of Cheshire to the North West Region of HM Courts Service, and the Technology and Construction Court move from Salford county court to Manchester Civil Justice Centre.

Part 65, PD 2B and PD 65 are amended to include provisions on parenting contracts and parenting orders in the Anti-social Behaviour Act 2003 allowing local authorities and registered social landlords to enter into parenting contracts and apply for parenting orders as a consequence of Section 24 of the Police and Justice Act 2006. The provisions relating to anti-social behaviour injunctions are also amended as a consequence of Section 26 & 27 of the Police and Justice Act 2006.

The **Insolvency Proceedings PD** is amended to require an appellant in insolvency proceedings to provide both a transcript of judgement and skeleton argument at the permission stage of an appeal; and to include a sub-paragraph omitted in error in the 2000 update.

The **Pre-Action Protocol for Housing Disrepair Cases** has been amended to correct an error that occurred when the provisions relating to Alternative Dispute Resolution were incorporated.

A full list of the changes is set out below.

Rules

Part 2 New text substituted at the table following Rule 2.1 (2).

New text substituted at Rule 2.3(1).

Part 6 New text substituted in the table of contents.

New text and table substituted at Rule 6.6(1).

New text substituted at Rule 6.6 (2).

New text inserted and substituted at Rule 6.18.

Part 12	New text substituted at Rule 12.10(a)(i). New text substituted at Rule 12.11(3). New text inserted and substituted at Rule 12.11(6).
Part 14	New text substituted at Rule 14.1(4).
Part 19	New rule substituted at Rule 19.9. New rules Rule 19.9A to 19.9F inserted after 19.9.
Part 21	New Part replaces existing Part.
Part 30	New text substituted at Rule 30.7.
Part 32	New text substituted at Rule 32.13(3)(e).
Part 36	New text substituted at Rule 36.9(2).
Part 39	New text substituted at Rule 39.2(3)(d).
Part 45	New text substituted at Rule 45.10(2)(c).
Part 46	New text substituted at Rule 46.1(2)(c). New text substituted in the table at Rule 46.2(1). New text substituted at Rule 46.3(2) and 46.3(4).
Part 47	New text substituted at Rule 47.3(1)(c). New text substituted at Rule 47.22.
Part 48	New text substituted in the table of contents. New text substituted in the heading to, and at Rule 48.5.
Part 49	New rule substituted at Rule 49(2).
Part 52	New text inserted in the table of contents. New Rule 52.12A inserted after 52.12. New Section VI Rules 52.18 to 52.20 inserted after 52.17.
Part 65	New text inserted in the table of contents. New text inserted and substituted at Rule 65.1. New text inserted and substituted at Rule 65.8. New text inserted at Rule 65.9. New Rule 65.10(1A) inserted after 65.10(1). New Section VII Rules 65.37 to 65.41 inserted after 65.36.
Part 74	New text inserted at Rule 74.1(5)(d). New text substituted at Rule 74.2(1)(b).
Practice Directions	
Practice Direction 2B	New paragraph substituted at 8.1A.
Practice Direction 4	New text inserted in paragraph 3.2. Text deleted, and new text substituted and inserted at table 1.
Practice Direction 7	New text substituted and text deleted at paragraph 3.5A.
Practice Direction 7C	New text substituted at paragraph 2.3(6).
Practice Direction 7E	New text substituted at paragraphs 4(3)(a) and 4(5)(b). New text inserted after paragraph 4(6).
Practice Direction 8	New text substituted at paragraphs 3.1(1) and 6.1(1). Table deleted at paragraph 9.3. New paragraph 9.4 and table inserted after 9.3. New paragraph 10A inserted after 10(1). New paragraph 11A inserted after 11.5. New paragraph 12A inserted after 12. New paragraphs 15A and 15B inserted after 15.14. New paragraph 17A inserted after 17.8.
Practice Direction 10	New text substituted at paragraph 4.5.

Practice Direction 12	New text substituted at paragraph 2.3(1). New text substituted at paragraph 4.2.
Practice Direction 19C	New practice direction 19C inserted after practice direction 19B.
Practice Direction 21	Existing practice direction replaced with new practice direction.
Practice Direction 22	New text substituted at paragraph 3.1(1).
Practice Direction 23	New text substituted at paragraph 6.2(c).
Practice Direction 23B	New paragraph substituted at paragraph 1.1(3). New paragraph substituted at paragraph 1.2.
Practice Direction 25B	New text substituted and new text inserted at paragraph 1.2.
Practice Direction 26B	New text substituted at paragraph 2(2)(a). New text inserted at paragraph 2(3).
Practice Direction 37	New paragraphs substituted at 1.1(1), (2) and (3). New text substituted at paragraph 2.2(2).
Practice Direction 39	New text substituted at paragraph 1.6. New paragraph 1.7A inserted after 1.7.
Practice Direction 40B	New text substituted at paragraph (2) in the "For information about" section at the end of the practice direction.
Practice Direction 41	Text deleted and new text substituted at paragraph 4.1.
Practice Direction 41B	New text substituted and inserted in the heading to paragraph 7.
Practice Direction 43–48	New text substituted in table of contents. New text substituted at section 1, paragraph 1.5. New text substituted at section 13, paragraph 13.11(1) and (2). New text substituted at section 21, paragraph 21.15(2). New text substituted at section 44, paragraph 44.3(c). New text substituted in the heading to section 51, and in section 51.1.
Practice Direction 49	Existing practice direction replaced with new practice direction.
Practice Direction 49B	New practice direction 49B inserted after practice direction 49.
Practice Direction 52	New paragraph substituted at paragraph 12.1. New text substituted at paragraph 12.2. New paragraphs substituted at paragraph 12.3 and 12.4. New text inserted at paragraph 12.4. New text substituted at paragraph 13.1. New text substituted in the heading to paragraph 13.2. Text deleted, and new text substituted and inserted at paragraph 13.2. New text substituted in the heading to paragraph 13.4. Text deleted and new text substituted at paragraph 13.4 . New text inserted after paragraph 13.4. New text substituted at paragraph 16.1. Paragraph 17.5 renumbered as 17.5(1) and paragraph 17.5(2) inserted. New paragraphs 17.7 to 17.11 inserted after 17.6. New paragraph substituted at paragraph 18.8. New text inserted in the table after paragraph 20.3. New paragraphs 21.12(1) to 21.12(10) inserted after 21.11. New paragraphs 22.6C, 22.6D and 22.6E inserted after 22.6B. New paragraph 22.8A inserted after 22.8. Paragraph 23.9 renumbered as 23.9(1) and paragraph 23.9(2) inserted. New paragraphs 24.4 to 24.6 inserted after 24.3.
Practice Direction 54	New paragraph 6.2 inserted after 6.1.

Practice Direction 55	New text substituted in paragraph 2.2. New paragraph 2.4B inserted after 2.4A. New text inserted at paragraph 10.1.
Practice Direction 55B	New text substituted at paragraph 5.2. New paragraph 6.2A inserted after 6.2. New paragraph substituted at paragraph 6.3A. New text substituted at paragraph 6.3C(1).
Practice Direction 57	New text inserted at paragraph 2.2. New text substituted at paragraph 3.2(2). New text substituted at paragraph 16(3).
Practice Direction 59	New text substituted at paragraph 1.2(1).
Practice Direction 60	New text substituted at paragraph 3.3. New text substituted at paragraph 3.4.
Practice Direction 63	New paragraph substituted at paragraph 18.2.
Practice Direction 65	New Section II and paragraphs 4A.1 and 4A.2 inserted after 4.1. New Section VII and paragraphs 16.1 to 16.3 inserted after 15.2.
Practice Direction 73	New text inserted at paragraph 4.2.
Practice Direction 74	New text substituted at paragraph 6.1.

Schedule 1

RSC O.93	Revoked.
RSC O.94	Revoked.
RSC O.95	Revoked.

Schedule 2

CCR O.45	Revoked.
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Other Practice Directions

Directors Disqualification Proceedings

New text substituted at paragraph 12.4(3).
New text substituted at paragraph 34.4(3).
New text substituted and inserted at Annex 1.

Insolvency Proceedings

New paragraph substituted at 17.8(b).
New paragraph substituted at 17.10.
New sub-paragraph (aa) inserted after 17.22(1)(a).
New sub-paragraph (ca) inserted after 17.22(2)(c).
New sub-paragraph (ga) inserted after 17.22(2)(g).
Deleted text at paragraph 17.22(3).
New paragraphs 17.22(7), (7A) and (7B) substituted for 17.22(7).
New text substituted at paragraph 17.23.

Pre-Action Protocols

Pre-Action Protocol for Housing Disrepair Cases

New text substituted in the table of contents.
New text substituted at paragraph 1.
New text substituted at paragraph 4.
New heading text inserted at paragraph 4.1.
New text substituted at paragraph 4.1(b)(i).
New paragraph substituted at paragraph 4.1(f).
New paragraphs 4.2 to 4.10 inserted after 4.1(f).

Forms

A new version of form N165 and CFO form 100 are made available.

Form N242 is removed.